

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA**



**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND
VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

As Amended March 8, 2018

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND
VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. SCOPE OF ELECTRONIC FILING

Designation of Cases

All new and open cases and their related adversary proceedings shall be assigned to the Electronic Case Filing System.

II. ELIGIBILITY, REGISTRATION AND PASSWORDS FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Passwords

1. Each attorney admitted to practice in this Court, currently in good standing, and who has attended CM/ECF user training shall be entitled to one (1) System password. This password shall permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System. Registration for a password is governed by Section II. B.
2. Creditors not represented by an attorney, may file electronically. Creditors must obtain a System password. Registration for a password is governed by Section II. B.

B. Registration

1. Participants are required to attend CM/ECF user training at the Clerk’s Office for the United States Bankruptcy Court or the United States District Court.
2. Obtain, complete, and submit the registration form entitled “Application for Use of Electronic Case Filing System.” A separate form for must be submitted for each attorney/trustee/creditor (“participant”) filer.
 - a. Registration forms may be obtained at the Court’s website, www.lawb.uscourts.gov, under the “Forms” link.
 - b. Registration forms should be submitted to the United States Bankruptcy Court at the address referenced on the form.
3. Upon completion and submission of the Application for Use of Electronic Case Filing System, each registering participant will be assigned a login and a password for the System. Each participant will receive an Internet e-mail message after his/her password has been assigned. This is to ensure that the participant’s Internet e-mail address has been entered correctly in the System. The assigned login and password are included in the Internet e-mail message.

4. In the event a participant believes that the security of an existing password may have been compromised, the participant should change the existing password through the Utilities menu. If a participant forgets the password, the participant should contact the Automation Department of the Clerk's Office. A generic password will be assigned. For security purposes, the participant should immediately change the generic password.
5. If any of the information on the registration form changes, e.g., mailing address, e-mail address, etc., any registered user must provide the new information by letter to the United States Bankruptcy Court, ATTN: MITZIE COCHRANE, United States Court House, 300 Fannin Street, Suite 2201, Shreveport, LA 71101. Failure to maintain accurate contact information with the United States Bankruptcy Clerk's Office may result in loss of access to the Electronic Filing System.

C. Fees Payable to the Clerk

1. Payments for filing fees must be made either by credit card through the Pay.gov Internet Credit Card Payment System (or at the Clerk's Office by such other form of payment that has been authorized by the Clerk of the Bankruptcy Court and/or Divisional Deputy/Deputy in Charge for any Divisional Office). Credit card payments may only be made through the Pay.gov Internet Credit Card Payment System. They will not be accepted at the Clerk's Office. **All payments must be received within forty-eight (48) hours of the filing of the document(s).**
2. Payments made through the Pay.gov System can be processed upon the successful submission of a document requiring a filing fee (please refer to the *Electronic Case Filing On-Line Credit Card Payment Guide* available on the Court's website, www.lawb.uscourts.gov, under the "CM/ECF" link).

III. CONSEQUENCES OF ELECTRONIC FILING

A. Privacy

1. To address the privacy concerns created by internet access to Court documents, litigants should modify or partially redact certain personal data identifiers appearing in pleadings or other papers. Pursuant to FRBP 9037, the following data may be abbreviated as follows:
 - a. Name of minors: Use minor's initials
 - *b. Financial account numbers: Use only the last four digits.
 - *c. Social-security numbers: Use only the last four digits on all required documents except for the Statement of Social Security Number required by Bankruptcy Rule 1007(f).
 - d. Dates of birth: Use only the birth year

2. If a document is filed that contains privacy information that should have been redacted, please contact the Clerk's Office for directions on how to proceed to have access to the document restricted.
3. Rule 1007 requires the debtor(s) to "submit" a verified statement that sets out the debtor(s)' social security number or state that the debtor(s) does not have a social security number. Local Rule 1002-1 requires the debtor(s) to submit a copy of (a) picture identification card and (b) the debtor's social security card. The submission of this information in the Electronic Case Filing System neither constitutes a "filing" with the court nor is this information part of the official court record. The access to this information is restricted and is not available for public viewing.

B. Filing

Effecting an electronic filing, via the Internet, in accordance with these Administrative Procedures shall constitute entry of that filing on the docket kept by the Clerk of the Court under FRBP 5003. All orders, decrees, judgments, and proceedings of the Court will be entered in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk of Court under FRBP 5003 and for purposes of FRBP 9021.

WHEN A DOCUMENT IS FILED ELECTRONICALLY, THE OFFICIAL RECORD IS THE ELECTRONIC RECORDING OF THE DOCUMENT AS STORED BY THE COURT, AND THE FILING PARTY IS BOUND BY THE DOCUMENT AS FILED.

1. This court is a mandatory electronic filing court.
2. Registered participants shall file electronically all petitions, motions, pleadings, briefs, memorandums of law, or other documents required to be filed with the Court in connection with a case.
3. An attorney who electronically files a pleading or other documents shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.
4. The Office of the Clerk shall not maintain a paper Court file in any case filed after October 15, 2002 except as otherwise directed by the Court.

C. Pro Se Filers

Pro se filers shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain either original signatures or verification by unsworn declaration under any applicable rule or statute. These documents will be scanned by the Office of the Clerk and the original documents will be retained by the Clerk of Court for at least five (5) years after the case is closed.

D. Signatures and Service

The use of the participant's login/password shall constitute the signature of the participant as set forth in Section VIII. Each registered participant shall effect service as set forth in Section IX(B).

E. Correcting Documents Filed in Error

1. Once a document is submitted, and it becomes part of the case docket, corrections to the docket or the Electronic Filing System are made only by the Office of the Clerk or as the Court may direct.
2. A document incorrectly filed in a case may be the result of posting the wrong Portable Document Format ("PDF") file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number. **DO NOT ATTEMPT TO REFILE THE DOCUMENT!**
3. As soon as an error is discovered, please contact the Clerk's Office at one of the following numbers: **Alexandria Office**, (318)445-1890 or (866)356-5221 (toll free); **Lafayette Office**, (337)262-6800 or (866)789-6015 (toll free); or **Shreveport Office**, (318)676-4267 or (866)721-2105 (toll free). Be sure to have the case number and document number for which the correction is being requested. If it is appropriate, the Clerk's Office will make an entry indicating that the document was filed in error. You will be advised if you need to refile the document. The System will not permit you to make changes to the document(s) or docket entry filed in error once the transmission has been accepted.

IV. ORDERS

A. Form and Entry

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, and such filing will constitute an entry on the docket kept by the Clerk of Court under FRBP 5003 and 9021. Orders will be submitted in such form as the Court may direct. Orders presented for entry should not state that the document is "proposed" in the body or caption of the order. All signed orders will be filed by the Court or Court personnel. Any order filed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

B. Submission

1. Submission of orders on matters noticed on "an if and only if" basis

After the expiration of the last day for serving and filing objections, if none have been filed, the moving party shall submit to the Court an order for entry that grants the relief requested in the original pleading. In addition, the following paragraph and information regarding the submitting entity shall be appended at the end of the document, at the bottom left hand corner:

The entity submitting this order represents to the Court that the underlying motion was filed and served in conformity with the local rules, that no pleading or response has been filed in opposition thereto, and that the relief to be granted by this order is consistent with the relief pled for in that motion.

Two lines below the end of the order, at the left margin, the following information regarding the submitting entity shall be submitted:

This order was prepared and is being submitted by:

Firm name

By _____

Attorney for _____

Bar Number _____

Mailing Address _____

Telephone Number _____

2. Submission of All Other Orders:

All other orders, including orders resulting from a hearing or other disposition by the Court, shall be submitted in the usual format required by the court and bearing such signature(s) of counsel and/or parties as the Court may direct.

3. Submission Format

- a. Orders must be submitted in PDF format.
- b. PDFs created by scanning or imaging are difficult to process; therefore, unless expressly authorized by the Court scanned or imaged orders are prohibited.
- c. To ensure proper processing, orders should be prepared in a word processing program that allows a document to be converted, published, or printed to a PDF format.
- d. Faxed orders are not permitted, unless advance authorization has been provided.

4. Orders Withdrawing Registry Funds

Orders Withdrawing Registry Funds are required to be submitted to the court in paper format.

V. CLAIMS, EXHIBITS, AND SUPPORTING INFORMATION

A. Filing Claims and Supporting Information

1. Claims and supporting information are required to be filed electronically, unless otherwise directed by the Court.
2. As a courtesy to the public, the Clerk's Office will accept filings from infrequent users over the counter or through the mail and will electronically file documents on their behalf. However, if a creditor files claims in more than five (5) cases in a calendar year, the creditor will henceforth be required to begin filing claims electronically.
 - a. There are two options available for electronically filing proof of claims.
 - (1) Using the court's Electronic Proofs of Claim (ePOC) program available on the court's website under the CM/ECF tab. This program does not require a login and password.
 - (2) Obtaining a login and password for the court's Case Management and Electronic Filing System (CM/ECF).
 - b. Any claim and supporting information submitted to the Clerk's Office either over the counter or through the mail must be made by duplicate original. If the party filing the duplicate original wants a stamped copy returned they must provide a self-addressed stamped envelope. Please see section VII for required retention information.
 - c. Documents submitted to the court without a self-addressed stamped envelope will become the property of the court and will be discarded after 15 days. The clerk will not assume the responsibility of party filers to retain documents.
3. Official Form B410 is required. This form is available at the court's website, www.lawb.uscourts.gov located under Forms and at www.uscourts.gov located under Forms & Fees.
4. For detailed information regarding claims, please refer to the Federal Rules of Bankruptcy Procedure 3001.

B. Exhibits to Be Introduced Into Evidence

Documentary Exhibits offered into evidence by parties during Court hearings must be submitted in hard copy. At the time of submission, parties should indicate if they would like the exhibits returned to them after the final judgment has been entered and the appeal period has expired. If the submitting party does not request the exhibits to be returned, they will be discarded after a period of one year from the closing of the case. Please see the Exhibit Submission and Return form attached as Exhibit A.

VI. DOCUMENTS TO BE FILED UNDER SEAL

A motion to seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed manually at the Clerk's Office only after the order has been processed. See Bankruptcy Rule 9037 for additional information on redacted filing and filings made under seal without redaction. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Office of the Clerk. The filing party shall then attach a paper copy of the order to the document(s) under seal and deliver them to the Office of the Clerk.

VII. RETENTION OF DOCUMENTS

The attorney of record or the party filing any document in a bankruptcy case shall maintain the original signed document(s) for at least five (5) years after the case is closed. The System provides notice of case closing. In Adversary proceedings, the parties shall maintain the original document until after all time periods for appeals have expired and at least five (5) years after the Adversary proceeding is closed. Upon request, the original documents must be provided to other parties or the Court for review. *See* Federal Rule of Bankruptcy Procedure 9011.

VIII. SIGNATURES

- A.** Use of the participant's login/password constitutes the participant's signature for all purposes for documents, which are required to contain original signatures.
- B.** Any document containing original signatures shall indicate on the electronically filed document a signature by noting - "/s/Jane Doe." The originally executed document shall be maintained by the filer.
- C.** Except as provided otherwise by the Administrative Procedures, all pleadings and other documents including motions, petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents that contain original signatures shall be filed electronically.

Each electronic filer shall execute and file, no later than forty-eight (48) hours following the date the petition was electronically filed, a Declaration Re: Electronic Filing of Petition, Schedules, & Statements form. The form is available at the Court's website, www.lawb.uscourts.gov, located under Forms. The originally executed declaration may be scanned and filed electronically, if the filer is a registered participant, or the original may be filed manually at the Clerk's Office if the filer is *Pro se*.

- D.** The following procedure applies when a stipulation or other document requires two (2) or more signatures:
 - 1. The filing attorney or party originating the document shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile or electronic signatures are permitted. A document may be signed in counterparts. Federal Rule of Bankruptcy Procedures 9011.

2. The filing attorney or party shall file the document electronically, indicating the signatories, e.g., “/s/Jane Doe.”
3. The filing attorney or party shall maintain the original signed document as set forth in Part VII.

IX. SERVICE OF DOCUMENTS

- A. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System will automatically generate a “Notice of Electronic Filing” by electronic means at the time of docketing.
- B. Service should be in accordance with the applicable Local Bankruptcy Rules, Federal Rules of Bankruptcy Procedure and Bankruptcy Code, or as the Court may permit.

X. NOTICE OF COURT ORDERS AND JUDGMENTS

This Section is Blank.

XI. TECHNICAL FAILURES

The United States Bankruptcy Court for the Western District of Louisiana’s Electronic Filing System may be subject to unexpected technical failure and down time on any given day and may be unable to accept filings during this time. Any known or planned outages will be posted on the Filing System’s site, as well as the Court’s main website at www.lawb.uscourts.gov.

- A. Problems in the participant’s office, such as phone line problems, problems with the filer’s Internet Service Provider (ISP), or hardware or software problems, will neither constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document or submit an order electronically due to a problem in the participant’s office must file an original document manually at the Clerk’s Office or should contact the Clerk’s Office for guidance.
- B. A participant whose filing is made untimely as the result of a technical failure of the Court’s System may seek appropriate relief from the Court.

XII. PUBLIC ACCESS TO THE SYSTEM DOCKET

Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.

Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk’s Office, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (“PACER”) System and, in accordance with the ruling of the Judicial Conference of the

United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the Court's Web site, www.lawb.uscourts.gov.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copies and certifications will be in accordance with 28 U.S.C. §1930 and the Bankruptcy Court Miscellaneous Fee Schedule. The Fee Schedule may be viewed at www.uscourts.gov/library/courtfees.html.

EXHIBIT SUBMISSION AND RETURN FORM	
Date of Hearing:	
Hearing Information:	
Summary of Exhibits:	
Submission Party: Attorney Name Firm Name	
Address:	
Telephone Number:	
Contact filing party when exhibits are ready to be returned Yes <input type="checkbox"/> No <input type="checkbox"/>	
Date Submitted:	
Received By:	
Date Returned:	
Returned By:	

NOTE: This form should be completed and submitted in court along with exhibits. If the submitting party does not request exhibits to be returned, the exhibits will be discarded after a period of one year.